

Crockett Independent School District

704 E. Burnett Avenue

Crockett, TX 75835

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Letter of Appeal Concerning USAC Decision

In the Matter of)

Request for Review of the)

Decision of the)

Universal Service Administrator)

CC Docket No. 02-6

Crockett Independent School District)

704 East Burnett Avenue)

Crockett, Texas 75835)

RE: Name: Crockett Independent School District

Billed Entity Name: Crockett Independent School District

Billed Entity Number: 140761

FCC Form 471 Number

Funding Request Number

504311 ----- 1386614

506302 ----- 1391642

----- 1391643

----- 1391644

----- 1391645

524164 ----- 1443620

524195 ----- 1443753

527805 ----- 1455487

----- 1455508

527831 ----- 1455582

527849 ----- 1455667

----- 1455682

527885 ----- 1455824

527903 ----- 1455856

530689 ----- 1464336

----- 1464417

532849 ----- 1472368

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----- 1472391

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List A B C D E

**Letter of Appeal
Request for Review
Page 2 of 4**

Contact Person:

John Walker, Business Manager
Crockett Independent School District
704 East Burnett Avenue
Crockett, Texas 85835

Contact Telephone Number:

(936) 544-2125

Contact Fax Number:

(936) 544-5727

Contact E-Mail Address:

jwalker@crockettisd.net

INTRODUCTION

1. In this "Request for Review", we are asking the Federal Communications Commission to **review** a decision issued by Schools and Libraries Universal Service denying services to Crockett Independent School District on the ground that Crockett Independent School District "... *failed to respond to the Selective Review inquiries in a timely manner*".
2. After review, we further request the Federal Communications Commission to **remand** the applications associated with this appeal to USAC for further review and action.
3. After review and remand, we further request the Federal Communications Commission to **direct** USAC to complete its Selective Review of our applications, and issue an award or denial based upon a complete review and analysis of all documents presented to USAC by Crockett Independent School District.

BACKGROUND

4. On November 22, 2005, Crockett Independent School District posted FCC Form 470 number 981550000553684.
5. After the twenty-eight waiting period, Crockett Independent School District posted FCC Form 471 numbers 504311, 506302, 524164, 524195, 527805, 527831, 527849, 527885, 527903, 530689, and 532849.
6. On June 13, 2006, USAC issued a Funding Commitment Decision Letter for each FCC Form 471 which denied all FCC Form 471 applications and associated FNR's.
7. Each Funding Commitment Decision Letter stated "*The FRN is denied because the applicant failed to respond to the Administrator's Selective Review Information Request. You did not provide any documentation to determine if the entity met program rules requirements for competitive bidding and Item 25 certification.*"

**Letter of Appeal
Request for Review
Page 3 of 4**

8. In a timely manner, Crockett Independent School District filed a "Letter of Appeal" with USAC. The USAC "Letter of Appeal" is attached. Our appeal to USAC was based on the following:
 - A. As the district gathered data to respond to USAC Selective Review Information Request (SRIR), we had a major water supply pipe break inside a school.
 1. The school was flooded throughout.
 2. Tremendous damage occurred.
 3. The school was closed and classes were suspended. Everything stopped and total attention was directed to repairing the damage caused by the flooding.
 4. Construction bids were taken for cleanup and repair.
 5. Once the problem was corrected and students returned to classes, time did not permit a timely response to SRIR "Item 25 Certification Review."
 - B. While gathering data for the SRIR "Item 25 Certification Review" and addressing the flooding problem, we were asked by a USAC Compliance 2 Reviewer to provide information for yet another USAC Review.
 - C. We have a language communication problem with the USAC reviewer.
 - D. While gathering the data for USAC, the technology director traveled out of state to attend his child's wedding.
 - E. Crockett Independent School District is a small rural school with only one business manager and one technology director.
 - F. We are in the process of constructing a new elementary school. Our architect and financial advisors have placed tremendous demands on our small staff.
 - G. We were recovering from Hurricane Rita evacuees.
9. On September 25, 2006, USAC Appeal was denied, stating *"Upon thorough review of the appeal letter and the relevant documentation, USAC has determined that you failed to respond to the Selective Review inquiries in a timely manner."* The "Administrator's Decision on Appeal" letters are attached.

DISCUSSION

10. Crockett Independent School District is aware that information requested by the Selective Review was not provided in a timely manner.
11. The information requested by the Selective Review was not provided because of the hardships listed in the "Letter of Appeal" to USAC.
12. Our "Letter of Appeal" to USAC was a request to consider our hardships and allow us an opportunity to respond to the Selective Review.
13. After USAC issued the "Administrator's Decision on Appeal" denying our USAC Appeal, Crockett Independent School District submitted the information requested by the Selective Review.
14. After the USAC Appeal was filed, Crockett Independent School District did not submit the Selective Review documents because our appeal to USAC was a request to reconsider our denial and accept our Selective Review documents.

**Letter of Appeal
Request for Review
Page 4 of 4**

OUR APPEAL TO FCC

15. We are asking the Federal Communications Commission to review the decision issued by Schools and Libraries Universal Service denying services to Crockett Independent School District on the ground that Crockett Independent School District failed to respond to the Selective Review inquiries in a timely manner".
16. After review, we further request the Federal Communications Commission to **remand** the applications associated with this appeal to USAC for further review and action.
17. After review and remand, we further request the Federal Communications Commission to **direct** USAC to complete its review of our applications, and issue an award or denial based upon a complete review and analysis of our Selective Review documents which were presented to USAC by Crockett Independent School District.

CONCLUSION

The chain of events that occurred during the month of May was most challenging and demanding. Crockett Independent School District did not intend to be delinquent with its reporting to USAC, but several unfortunate events occurred that prohibited a timely response. Technology for our new school is depending on E-Rate funding. The district has secured access to all of the resources necessary to effectively use the services ordered, as well as to pay for discounted charges for eligible services. Also, the information requested by the Selective Review is now on file with USAC. Please approve this Appeal and allow us an opportunity to provide technology to our new school.

If I can answer any questions, please feel free to contact me.

Thank you,

CROCKETT INDEPENDENT SCHOOL DISTRICT



John Walker
Business Manager

Enclosures: Supporting Documents

USA

Adminis

September 25, 2006

John Walker
Crockett Independen
704 East Burnett Ave
Crockett, TX 75835

Re: Applicant Name: CROCKETT INDEP SCHOOL DISTRICT
Billed Entity Number: 140761
Form 471 Application Number: 504311
Funding Request Number(s): 1386614
Your Correspondence Received: July 17, 2006

After thorough review and investigation of all relevant facts, the Schools and Libraries Division (SLD) of the Universal Service Administrative Company (USAC) has made its decision in regard to your appeal of USAC's Funding Year 2006 Funding Commitment Decision Letter for the Application Number indicated above. This letter explains the basis of USAC's decision. The date of this letter begins the 60 day time period for appealing this decision to the Federal Communications Commission (FCC). If your Letter of Appeal included more than one Application Number, please note that you will receive a separate letter for each application.

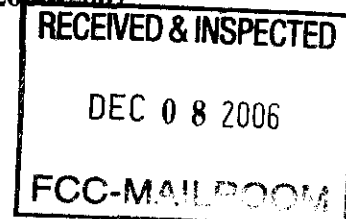
Funding Request Number(s): 1386614
Decision on Appeal: **Denied**
Explanation:

- Upon thorough review of the appeal letter and the relevant documentation, USAC has determined that you failed to respond to the Selective Review inquiries in a timely manner. Selective Review made initial contact with you on May 2, 2006, via email, requesting you to complete a Selective Review Information Request (SRIR) for budget, vendor selection, bids, and contract documentation within 30 days. You confirmed the receipt of the SRIR on May 2, 2006. Selective Review initiated another request on May 23, 2006, via email and fax, reminding you that the SRIR was due on June 1, 2006. As of that date, you failed to respond to the request for budget information and, therefore, did not demonstrate that funding needed to pay the applicant's portion of charges had been secured when you filed the Form 471. You have not shown on appeal that USAC erred in its original decision. Consequently, the appeal is denied.

Attached only
One application
appeal denial
for example.

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s & Libraries Division

ar 2006-2007



If your appeal has been approved, but funding has been reduced or denied, you may appeal these decisions to either USAC or the FCC. For appeals that have been denied in full, partially approved, dismissed, or canceled, you may file an appeal with the FCC.

You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC.

Your appeal must be received or postmarked within 60 days of the date on this letter.

Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

We thank you for your continued support, patience and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

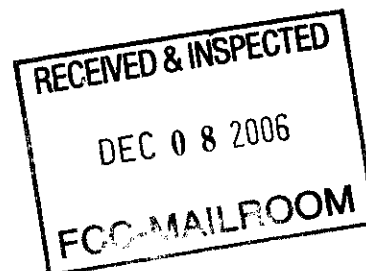
Crockett Independent School District

704 E. Burnett Avenue

Crockett, TX 75835

Letter of Appeal

Petition for Reconsideration



Billed Entity Name:

Crockett Independent School District
704 E. Burnett Avenue
Crockett, Texas 75835

Billed Entity Contact:

John Walker, Business Manager
704 E. Burnett Avenue
Crockett, TX 75835
Phone: (936) 544-2125
Fax: (936) 544-5727
E-Mail: jwalker@crockettisd.net

Bill Entity Information Being Appealed:

- We are appealing the decision to deny funding of eleven (11) "Commitment Decision Letter(s)" dated June 13, 2006.
- Denial letters were received on the following FCC Form 471 Applications:
 - 504311, Attachment #1,
 - 506302, Attachment #2,
 - 524164, Attachment #3,
 - 524195, Attachment #4,
 - 527805, Attachment #5,
 - 527831, Attachment #6,
 - 527849, Attachment #7,
 - 527885, Attachment #8,
 - 527903, Attachment #9,
 - 530689, Attachment #10, and
 - 532849, Attachment #11.
- Bill Entity Number – 140761
- Funding Year – 2006-2007

Phone: (936) 544-2125

FAX: (936) 544-5727

What We Are Appealing:

Crockett Independent School District is appealing the decision of Universal Service Administrative Company (USAC) to deny funding for the following FCC Form 471 numbers: 504311, 506302, 524164, 524195, 527805, 527831, 527849, 527885, 527903, 530689, and 532849. USAC informed Crockett Independent School District of its decision to deny funding via mail, dated June 13, 2006, by "Commitment Decision Letter(s).

Also, in a letter dated June 13, 2006, USAC writes, "As a result of our review, we have determined that you do not qualify for funding under the Federal Communications Commission (FCC) rules governing the Universal Service Support Mechanism for Schools and Libraries. This determination was made after you did not respond to our repeated requests for information regarding the Item 25 certification. As a result, we were unable to determine that you have secured access to all of the resources necessary to effectively use the services you are ordering, as well as to pay for the discounted charges for eligible services." See "Attachment # 12, USAC letter dated June 13, 2006.

Reason We Were Delinquent Responding to USAC:

1. As the district gathered data to respond to USAC Selective Review Information Request (SRIR), we had a major water supply pipe break inside a school.
 - a. The school was flooded throughout.
 - b. Tremendous damage occurred.
 - c. The school was closed and classes were suspended. Everything stopped and total attention was directed to repairing the damage caused by the flooding.
 - d. Construction bids were taken for cleanup and repair.
 - e. Once the problem was corrected and students returned to classes, time did not permit a timely response to SRIR "Item 25 Certification Review."
2. While gathering data for the SRIR "Item 25 Certification Review" and addressing the flooding problem, we were asked by a USAC Compliance 2 Reviewer to provide additional information for yet another USAC Review.
 - a. This process was vague, unclear, and caused confusion. SRIR written instructions were not clear and did not clearly connect to the SRIR Document Instrument.
 - b. The SRIR Review requested data for FCC 471(s) that we deleted from the USAC database months prior to the review. (Copy of our "Request to Delete" FCC Form 524112, 524178 and 538241 are on file with USAC and our office.
 - c. When an USAC reviewer was contacted, we had a communication problem. It appeared that the SRIR reviewer did not understand our questions because the answers did not appear related to the questions asked or my technology person did not understand what questions to ask the reviewer.

3. While gathering the data for USAC, the technology director traveled out of state to attend his child's wedding.
4. All considered, undue hardship was placed on a small school district with limited staff and circumstances out of our control.

Other Consideration To Consider

1. Crockett Independent School District is a small rural school with only one business manager and one technology director. Our primary duties does not relate to federal grants.
2. May is our most demanding month of the school year.
3. We are in the process of constructing a new elementary school. Our architect and financial advisors have placed tremendous demands on the staff.
4. We were recovering from Hurricane Rita evacuees.
5. Personnel changes in the administrative office.

FCC Order Relating to Our Appeal

1. Our unique problem is addressed in an FCC Order released May 19, 2006. The Order refers to associated certification of FCC Form 471. Our Appeal is an associated certification of FCC Form(s) 471.
2. The FCC Order was adopted May 2, 2006 and released May 19, 2006. Reference to the FCC Order includes: FCC 06-54, File Number SLD-487170, CC Docket Number 02-6, Bishop Perry Middle School, New Orleans, LA.
3. The Order states
 - A. "...we direct USAC to provide all future and pending applicants with a 15-day opportunity to cure any ministerial or clerical errors on their FCC Form 470, FCC Form 471, or associated certifications." Page 1, I(1)
Definitions: Ministerial (when requiring to follow instructions)- law allowing no personal discretion, only the strict following of law. Clerical (when relating to office work) - relating or belonging to office work, especially of a routine administrative kind.
 - B. "...many E-rate program beneficiaries, particularly small entities, contend that the application process is complicated, resulting in a significant number of applications for E-rate support being denied for ministerial, clerical or procedural errors. We find that the actions we take here to provide relief from these types of errors in the application process will promote the statutory requirements of section 254(h) by helping to ensure that eligible schools and libraries actually obtain access to discounted telecommunications and information services." Page 1, I(2)
 - C. "The Commission may waive any provision of its rules on its own motion and for good cause shown. A rule may be waived where the particular facts make strict compliance inconsistent with the public interest. In addition, the Commission may take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis. Page 4, III(6)

- D. "Some other petitioners claim that the rules and instructions for filing an FCC 471 are vague and unclear....". Page 6, III(10)
 - E. "...someone on the applicants' staff made a mistake or had a family emergency...". Page 7, III(13)
 - F. "We note that the primary jobs of most of the people filling out these forms include school administrators, technology coordinators and teachers, as opposed to positions dedicated to pursuing federal grants, especially in small school districts". Page 8, III(14)
 - G. "...in a timely manner due to circumstances beyond their control, such as school reorganization or inclement weather". Page 8, III(15)
 - H. "Furthermore, we find that denial of funding in these cases would inflict undue hardship on applicants". Page 9, III(16)
4. Crockett Independent School District reasons for not filing the required data in a timely manner are directly referenced in the FCC Order:
- A. School is depending on USAC funding to properly serve children
 - B. Hardship issues (school flooded)
 - C. Vague and unclear USAC instructions
 - D. Confusion
 - E. Family related issues
 - F. Small rural school district
 - G. Staffing
 - H. Circumstances out of applicants' control
5. Our failure to comply with timeline was not related to waste, fraud, or abuse. Our failure was caused by many issues addressed in the FCC Order.

Conclusion

The chain of events that occurred during the month of May was most challenging and demanding. Crockett Independent School District did not intend to be delinquent with its reporting to USAC, but several unfortunate events occurred that prohibited a timely response. Technology for our new school is depending on E-Rate funding. Without E-rate funding, children in the new school will not be served by technology services. The district has secured access to all of the resources necessary to effectively use the services ordered. Please approve this Appeal and allow us an opportunity to provide USAC the documentation to support our 471 applications.

If I can answer any questions, please feel free to contact me.

Thank you,

CROCKETT INDEPENDENT SCHOOL DISTRICT



John Walker
Business Manager

Enclosures: Supporting Documents, (eleven (11) attachments)

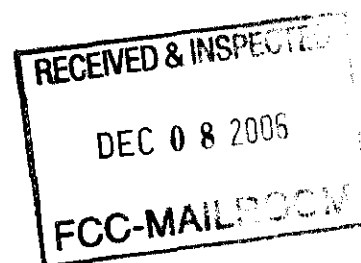


Universal Service Administrative Company
Schools & Libraries Division

Administrator's Appeal Acknowledgement Letter

July 19, 2006

John Walker
Crockett Independent School District
704 East Burnett Avenue
Crocket, TX 75835



Subject: Crockett Independent School District

John Walker,

The Schools and Libraries Division of the Universal Service Administrative Company has received your correspondence on **July 17, 2006**, regarding the **FY2006** funding decision of your Form 471 Application Number(s) **504311, 506302, 524164, 524195, 527805, 527831, 527849, 527885, 527903, 530689, 532849 - FRN(s) 1386614, 1391644, 1391645, 1394642, 1391643, 1443620, 1443753, 1455487, 1455508, 1455582, 1455667, 1455682, 1455824, 1455856, 1464336, 1464417, 1472368, 1472379, 1472391, 1472401, 1472410, and 1472425.**

These are the steps that will now follow:

1. We will review your correspondence carefully to identify the specific issue(s) it raises.
2. We will consult the Program Integrity Assurance records and all supporting documentation for the application. Our goal is to determine whether the program rules were administered appropriately in processing your application.
3. Once the review process is completed we will respond in writing and state whether your appeal is approved, denied or approved in part. A Revised Funding Commitment Decision Letter will follow for any approved appeal resulting in additional discounts for your application. Funds have been set aside to implement funding decisions for appeals approved by the SLD and/or the Federal Communications Commission.

We will perform an in-depth review of your appeal. Our goal is to respond to you as promptly as possible. We thank you in advance for your patience as we handle your appeal with the care and attention it deserves.

Schools and Libraries Division
Universal Service Administrative Company



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Attached only
one application
denial for example

FUNDING COMMITMENT DECISION
(Funding Year 2006: 07/01/07)

June 13, 2006

John Walker
CROCKETT INDEP SCHOOL DISTRICT
704 E BURNETT AVE
CROCKETT, TX 75835-2118

Re: Form 471 Application Number: 504311
Billed Entity Number (BEN): 140761
Billed Entity FCC RN: 0013183736
Applicant's Form Identifier: 2006 - B

Thank you for your Funding Year 2006 application for Universal Service Support and for any assistance you provided throughout our review. The current status of the funding request(s) in the Form 471 application cited above and featured in the Funding Commitment Report(s) (Report) at the end of this letter is as follows.

- The amount, \$13,072.50 is "Denied."

Please refer to the Report on the page following this letter for specific funding request decisions and explanations. The Universal Service Administrative Company (USAC) is also sending this information to your service provider(s) so preparations can begin for implementing your approved discount(s) after you file Form 486 (Receipt of Service Confirmation Form). A guide that provides a definition for each line of the Report precedes the Report.

A list of Important Reminders and Deadlines is included with this letter to assist you throughout the application process.

NEXT STEPS

- Work with your service provider to determine if you will receive discounted bills or if you will request reimbursement from USAC after paying your bills in full
- Review technology planning approval requirements
- Review CIPA requirements
- File Form 486
- Invoice USAC using the Form 474 (service provider) or Form 472 (Billed Entity) - as products and services are being delivered and billed

TO APPEAL THIS DECISION:

If you wish to appeal a decision in this letter, your appeal must be received by USAC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and (if available) email address for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Include the following to identify the letter and the decision you are appealing:
 - Appellant name,
 - Applicant name and service provider name, if different from appellant,
 - Applicant BEN and Service Provider Identification Number (SPIN),
 - Form 471 Application Number 504311 as assigned by USAC,
 - "Funding Commitment Decision Letter for Funding Year 2006," AND
 - The exact text or the decision that you are appealing.

3. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep a copy of your entire appeal, including any correspondence and documentation.
4. If you are the applicant, please provide a copy of your appeal to the service provider(s) affected by USAC's decision. If you are the service provider, please provide a copy of your appeal to the applicant(s) affected by USAC's decision.
5. Provide an authorized signature on your letter of appeal.

To submit your appeal to USAC by email, email your appeal to appeals@sl.universalservice.org. USAC will automatically reply to incoming emails to confirm receipt.

To submit your appeal to USAC by fax, fax your appeal to (973) 599-6542.

To submit your appeal to USAC on paper, send your appeal to:

Letter of Appeal
Schools and Libraries Division - Correspondence Unit
100 South Jefferson Road
P.O. Box 902
Whippany, New Jersey 07981

While we encourage you to resolve your appeal with USAC first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received by the FCC or postmarked within 60 days of the date of this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. We strongly recommend that you use the electronic filing options described in the "Appeals Procedure" posted in the Reference Area of our website. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554.

NOTICE ON RULES AND FUNDS AVAILABILITY

An applicants' receipt of funding commitments is contingent on their compliance with all statutory, regulatory, and procedural requirements of the Schools and Libraries Program. Applicants who have received funding commitments continue to be subject to audits and other reviews that USAC and/or the FCC may undertake periodically to assure that funds that have been committed are being used in accordance with all such requirements. USAC may be required to reduce or cancel funding commitments that were not issued in accordance with such requirements, whether due to action or inaction, including but not limited to that by USAC, the applicant, or the service provider. USAC, and other appropriate authorities (including but not limited to the FCC), may pursue enforcement actions and other means of recourse to collect improperly disbursed funds. The timing of payment of invoices may also be affected by the availability of funds based on the amount of funds collected from contributing telecommunications companies.

Schools and Libraries Division
Universal Service Administrative Company

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MAILED FROM ZIP CODE 75835

F Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

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